

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

SHERRY E. BECKER,

Plaintiff,

v.

STRATA ORCHARD, LLC, et al.,

Defendants.

NO: CV-11-5108-RMP

ORDER DENYING PLAINTIFF'S
MOTION FOR PROTECTIVE ORDER

BEFORE THE COURT is a Plaintiff Sherry Becker's Motion for Protective Order, ECF No. 170.

Ms. Becker's motion was not entirely clear as to what protective measures she seeks. The Court construes the motion as requesting a blanket prohibition from defendants requesting any further discovery regarding her medical condition.

Under the Federal Rules of Civil Procedure, parties may obtain discovery "regarding any nonprivileged matter that is relevant to any party's claim or defense." Fed. R. Civ. P. 26(b). However, the Court may limit the scope of

1 discovery by issuing a protective order for “good cause” to “protect a party or
2 person from annoyance, embarrassment, oppression, or undue burden or expense.”
3 Fed. R. Civ. P. 26(c).

4 The Court is mindful of the sensitivity of a person’s medical records.
5 However, Ms. Becker put her medical condition at issue by filing a claim for
6 defendants’ alleged failure to provide her a reasonable accommodation under the
7 Fair Housing Act. To establish that claim, Ms. Becker must demonstrate among
8 other elements that 1) she suffers from a handicap as defined by the Act, and 2) the
9 requested accommodation may be necessary to afford her an equal opportunity to
10 use and enjoy her dwelling. *E.g., McGary v. City of Portland*, 386 F.3d 1259,
11 1262 (9th Cir. 2004). Defendants are entitled to discovery to test the sufficiency of
12 these claims. *See Nuskey v. Lambright*, 251 F.R.D. 3, 8-9 (D.D.C. 2008).

13 Ms. Becker has not provided any indication that defendants are seeking
14 discovery to harass or embarrass her, or for any other improper reason. In
15 addition, Defendants state that they do not intend to make any of her medical
16 records public. ECF No. 172 at 3. Therefore, there is no basis for granting
17 Plaintiff’s motion for a protective order prohibiting discovery of her medical
18 records.

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1 Accordingly, **IT IS HEREBY ORDERED** that Plaintiff's Motion for
2 Protective Order, **ECF No. 170**, is **DENIED**.

3 The District Court Clerk is directed to enter this Order and provide copies to
4 counsel and to pro se Plaintiff Sherry Becker.

5 **DATED** this 11th day of February 2013.

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7 *s/ Rosanna Malouf Peterson*
8 ROSANNA MALOUF PETERSON
9 Chief United States District Court Judge
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